

1 disturbed.

2 The Court also recommends plaintiff's application for costs and reasonable attorney's fees
3 be considered under 28 U.S.C. § 2412 upon proper request to the Court.

4 Because the parties have stipulated that the case be remanded as set forth above, the Court
5 recommends that United States District Judge Richard A. Jones immediately approve this Report
6 and Recommendation and order the case **REVERSED** and **REMANDED** for further
7 administrative proceedings. A proposed order accompanies this Report and Recommendation.

8 DATED this 28th day of October, 2010.

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12 BRIAN A. TSUCHIDA
13 United States Magistrate Judge
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